

**REMARKS/ARGUMENTS**

Claims 1-21 are pending in this application. By this Amendment, claims 1-21 are amended, and claims 22-27 and 29-46 are cancelled. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

**I. Rejection Under 35 U.S.C. §102(e)**

The Office Action rejects claims 1-4, 9, 11, 15, 17-19 and 22 under 35 U.S.C. §102(e) over U.S. Patent No. 6,549,768 to Fraccaroli. Claim 22 has been cancelled. The rejection, in so far as it applies to the remaining claims, is respectfully traversed.

Independent claim 1 is directed to a method of transmitting a message to one or more recipients in a message pushing system that includes a database of user profiles of individual potential recipients and telecommunications links for communicating with message sending and receiving devices. The method includes receiving a message from a message sending device, said message comprising details of an intended recipient of said message. The method also includes interrogating said database to find user profiles matching said details of the intended recipient of said message thereby establishing one or more members who may be the intended recipient, and transmitting said message to message receiving means of the one or more members who may be the intended recipient. Fraccaroli neither discloses nor suggests such features, or the claimed combination of features.

Fraccaroli discloses as prior art (referred to in the Office Action) a number of different matching systems. The first is a system in which a requesting subscriber establishes an individual, personal profile in a database so as to be matched with other compatible subscribers. This personal profile includes both personal information related to the requester, as well as the requester's preferences for matching with other subscribers. The system compares the requester's profile with other profiles stored in its database and provides the requester a listing of resulting matches. Thus, in this first prior art system, the recipient is selected by a database, and the requester does not select an intended recipient.

Further, this first prior art system requires three separate messages be generated in order to initiate and complete contact between a requester and a recipient. That is, the requester provides personal information and preferences in the form of a profile to a central database (a first message). The database then compares profiles and provides a listing of matches to the requester (a second message). The requester examines the listing of matches, and initiates contact with one of the matches provided by the database (a third message). In contrast, in the method recited in independent claim 1, a single message is used to transmit details related to an intended recipient of the message to a database, and to interrogate the database and generate matches. That same message is then transmitted to a message receiving means of a member who may be the intended recipient.

Fraccaroli discloses a second prior art system that uses wearable devices loaded with a limited amount of personal information. The devices detect when similar devices are in short

range, and signal one another when a comparison indicates closely located devices are storing similar information. This system simply alerts the wearer that a compatible party may be within range. However, as with the first prior art system, this second prior art system does not allow a user to select an intended recipient, and does not allow for any type of personal message to be sent between a requester and a recipient, let alone a single message that lists personal information and preferences, interrogates a central database, and is then transmitted to a recipient.

Fraccaroli discloses, in Figures 1-2, a system that uses cellular phone technology to provide matching between compatible subscribers in the same geographic location. In this system, each home location register (HLR) 105 includes a server 106 and a matching engine 107 to store and match individual subscriber profiles associated with subscriber mobile stations 102. As a subscriber enters a service area 103, the subscriber's mobile station 102 is registered, and the individual profile (including personal information and match preferences) associated with that mobile station 102 is transferred to the appropriate server 106 and matching engine 107 for the new service area 103. Matches are generated by the matching engine 107 for active mobile stations 102 in that service area 103 based on an examination of the associated profiles, and the resulting matches are sent from the server 106 to the individual mobile stations 102. The subscriber who receives the resulting matches may then choose to send a message to one of the matches.

The subscriber does not select an individual intended recipient, nor does the subscriber send a message to a central system that describes physical attributes or a location of such a selected, intended recipient. Rather, these matches are generated by the matching engine 107.

Further, as with the prior art systems, the system shown in Figures 1-2 of Fraccaroli requires multiple messages to be generated and sent in order to initiate and complete contact between a requester and a recipient. That is, a first message is sent from a subscriber to an initial HLR 105 to establish the subscriber's personal profile. Multiple other messages are sent from the subscriber's mobile station 102 as the subscriber enters new service areas 103 so that the subscriber's location is always updated and the matching engine 107 can appropriately match subscribers based on current geographic location. Once the matching function has been completed by the matching engine 107, the matching engine 107 generates and sends another message to the affected mobile stations 102 to provide the listing of resulting matches. It is then up to the individual subscribers to generate yet another message that is sent to one of the matches on the listing provided by the matching engine 107. Thus, even in this instance, Fraccaroli neither discloses nor suggests that a single message may be used to list personal information and preferences, interrogate a central database, and then transmit to a recipient, as recited in independent claim 1.

For all of these reasons, it is respectfully submitted that independent claim 1 is not anticipated by Fraccaroli, and thus the rejection of independent claim 1 under 35 U.S.C. §102(c) over Fraccaroli should be withdrawn. Dependent claims 2-4, 9, 11, 15 and 17-19 are allowable

at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features.

**II. Rejection Under 35 U.S.C. §103(a)**

The Office Action rejects claims 5-8, 10, 12-14, 21, 23-27 and 29-46 under 35 U.S.C. §103(a) over Fraccaroli. Claims 23-27 and 29-46 have been cancelled. The rejection, in so far as it applies to the remaining claims, is respectfully traversed.

Dependent claims 5-8, 10, 12-14, and 21 are allowable over Fraccaroli at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features. Further, it would not have been obvious to modify the system disclosed by Fraccaroli in the manner suggested in the Office Action.

More specifically, each of the systems disclosed by Fraccaroli requires that multiple messages be sent and received in order to initiate and complete contact between a requester and a recipient. None of Fraccaroli's systems, and in particular, the system shown in Figures 1-2 of Fraccaroli, could be adapted to perform this same type of function using a single message. As noted above, Fraccaroli's system does not allow a requesting subscriber to specifically select an intended recipient. Thus, a subscriber must wait until the matching engine 107 provides matches before the requesting subscriber can generate and send a message to a recipient on that list. The original message generated by a subscriber, merely submitting to the server their personal profile, would clearly not be used to initiate contact with a recipient later chosen from the matching list generated by the matching engine 107. Without even taking into consideration the various

messages required between the mobile stations 102 and the various HLRs 105 and associated servers 106 and matching engines 107 as the stations 102 move amongst service areas 103, Fraccaroli's system requires a minimum of three messages to provide contact between a requesting subscriber and a recipient (a first message to establish a profile, a second message forwarding the resulting matches from the matching engine 107, and a third message from the requesting subscriber to a recipient).

Accordingly, it is respectfully submitted that claims 5-8, 10, 12-14, and 21 are allowable over Fraccaroli, and thus the rejection of claims 5-8, 10, 12-14, and 21 under 35 U.S.C. §103(a) over Fraccaroli should be withdrawn.

### **III. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **Joanna K. Mason**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

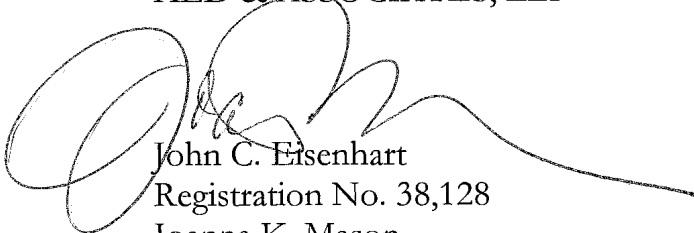
Serial No. **09/592,563**

Docket No. **KC-0040**

Reply to Office Action of **July 11, 2007**

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP



John C. Eisenhart  
Registration No. 38,128  
Joanna K. Mason  
Registration No. 56,408

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3777 JCE:JKM:lh

**Date: January 11, 2008**

\\Fk4\Documents\2037\2037-016\145121.doc

**Please direct all correspondence to Customer Number 34610**